



**Department of  
Education**

*Dennis M. Walcott, Chancellor*

DECLARATION PURSUANT TO EDUCATION LAW SECTIONS 2590g-(9) AND  
2590-h(2-a)(f) CONCERNING THE RE-SITING OF P.S. 51 BRONX NEW SCHOOL

I, Dennis M. Walcott, Chancellor of the New York City Department of Education, pursuant to sections 2590-g(9) and 2590-h(2-a)(f) of the New York State Education Law, do hereby determine that the immediate implementation of the proposal to re-site P.S. 51 Bronx New School (10X051, "P.S. 51") for the 2011-2012 school year in the St. Martin of Tours building ("X781"), a new leased facility, is immediately necessary to preserve the health, safety, and general welfare of students. Additionally, compliance with the requirements of subdivisions (7) and (8) of section 2590-g of the Education Law, which require a public review process and approval by the Panel for Educational Policy (the "Panel") before a proposed school closing or significant change in school utilization can take effect, would be contrary to the public interest. This re-siting shall remain in effect for six months. The re-siting shall continue thereafter if approved by the Panel.

P.S. 51 is a choice elementary school that is currently housed in school building X825 ("X825"), a leased facility located at 3200 Jerome Avenue, Bronx, NY 10468, in Community School District 10 ("District 10"). It currently serves students in kindergarten through fifth grade. In conducting environmental due diligence as part of the lease renewal process for building X825, the DOE found levels of trichloroethylene ("TCE")—a chemical compound regulated by the New York State Department of Environmental Conservation—that exceeded State guidelines and which could not be effectively remediated prior to the opening of school in September 2011. The School Construction Authority ("SCA") received the results of its comprehensive examination of the site, which included a detailed consultant's assessment and data from air and soil vapor tests, on June 29, 2011. After reviewing the contents for technical accuracy, it finalized the report for distribution on July 14, 2011.

Upon learning of this problem, the DOE immediately determined it necessary to find a new location for the school for the upcoming 2011-2012 academic year. The DOE began to explore various ways to accommodate P.S. 51, including searching for suitable school-ready private space to lease and attempting to identify under-utilized existing public school buildings in the area. The SCA was able to locate available private space in District 10 to accommodate students in time for the opening of school on September 8, 2011. The main X781 building is located at 695 East 182nd Street, and this site includes gymnasium space at 2239 Crotona Avenue, Bronx NY 10457. Re-siting P.S. 51 to building X781 is necessary to preserve the health, safety, and general welfare of P.S. 51 students.

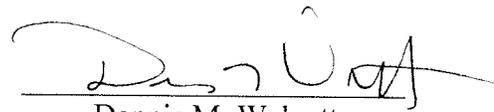
P.S. 51 is a choice elementary school that gives priority to students residing in District 10. For 2010-2011, the total audited enrollment of the school was 270 students.<sup>1</sup> For 2011-2012, the total projected enrollment is 260 students.<sup>2</sup>

Building X781 has adequate capacity to accommodate the P.S. 51 students, as it has 19 full-size rooms, and three additional quarter-size spaces. Building X781 is located approximately 2.2 miles from the X825 building. General education students in grades K-2 will continue to receive busing if they live more than one half mile from X781. General education students in grades 3-5 will continue to receive busing if they live more than one mile from X781. Special Education students will continue to receive busing services in accordance with their Individualized Education Plans.

The move to X781 is the most practical way to meet the needs of the P.S. 51 students. Re-siting P.S. 51 is necessary because of the levels of TCE found in building X825, and the only other alternative would have been to co-locate P.S. 51 with at least one other school in an existing DOE building, increasing the number of schools impacted by this emergency re-siting.

For the reasons set forth above, I find that the temporary re-siting on an emergency basis of P.S. 51 at building X781 for the 2011-2012 school year is necessary to preserve the health, safety, and general welfare of the students. This re-siting shall remain in effect for six months pursuant to this declaration. It shall continue thereafter if approved by the Panel.

Dated: New York, New York  
August 31, 2011



Dennis M. Walcott

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<sup>1</sup> Based on the 2010-2011 Audited Register.

<sup>2</sup> Based on the 2011-2012 budget register projections.